

In the few seconds I have left I would like to comment very briefly on the subject-matter of our report.

Our committee unanimously concluded that the Government does not have the right to pass a regulation, under the Canada Shipping Act provision it has chosen, to restrict the access of "potentially" polluting ships to New Brunswick's Harbour Head Passage.

• (1405)

[English]

The Government has passed a regulation which would prevent ships carrying oil from entering Head Harbour Passage, New Brunswick. In our opinion, with that regulation as enacted, if a vessel were to enter Head Harbour Passage, the regulation would not stop it because that regulation has been passed without any authority whatsoever under the article of the Statutes to which reference is made in the regulation. It is a very important legislation. That is a part of New Brunswick where fishing is important and Head Harbour Passage is one of the most beautiful passage in our country.

When the regulation was introduced, it was designed to combat a very serious evil but the regulation does not work. In this report, all the members of the committee are urging the Government to rewrite the regulation in accordance with the rule of law so that the people from Head Harbour Passage will be genuinely protected.

There are a great many other things I would like to say, but I think that those who want as well to speak for the first time on a report of the Regulations and Statutory Instruments Committee should be given the opportunity to do so.

Ms. Copps: Mr. Speaker, as a new Member of Parliament, I would like to ask a question of the Hon. Member who chaired this very important committee. Because of my area of responsibility, I have to deal with questions referring to housing and labour. Most recently I discovered to my dismay that under the regulations that relate to Canada Mortgage and Housing Corporation, the Conservative Government, without going to Parliament, has decided that it will not longer allow handicapped persons to be eligible for the same kinds of grants for the purposes of residential reconstruction as are made available to every other Canadian. This particular discrimination against the handicapped was not brought before the House of Commons but was done solely by regulation. The result is that many people in the community do not realize that the Government is introducing by regulation elements which discriminate against the handicapped, particularly in the area of housing, something which is so crucial to them.

I would like to ask the Hon. Member if he examined the under-the-table regulations which allow this type of discrimination to take place. What suggestions does the Hon. Member have to ensure that this activity which goes against the Charter of Rights and Freedoms, the Abella Commission Report and the *Equality Now* Report, does not slip through by regulation without even having the Government go to Parliament?

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Mr. Kaplan: Mr. Speaker, I think the question the Hon. Member has asked touches on the outrageous use of the power of regulations to deprive citizens of rights which they might have been given under the regulations and to discriminate. Unfortunately, and I say this with considerable regret, it is not within our mandate to deal with or criticize regulations on the basis of the impact that they might have on less fortunate members of Canadian society. That is regrettable because I know that particularly under the new Government, regulations are being used to take away many of the benefits for which groups have fought and which the former Government has established. This is the stuff of politics and it is the stuff of debate.

The Government is obsessed with the deficit and is delivering benefits to the better-off in society at the expense of people in the middle and at the bottom. That is what we in this House debate. Unfortunately, the mandate of the committee does not open the door for us to deal with such egregious matters, but all of the regulations that we criticize could probably be passed and made acceptable if they were simply put in some other form.

Although we protect the rule of law, we tend to deal with technical problems that have arisen. The Bill with the regulation which we brought before the House in this report is one on which the Government has held an opposite view from that of all the members of the committee. The Government feels that the regulation is valid and we feel that it is invalid, but we do not feel that it is a bad regulation. After all, its object is to protect Head Harbour Passage from pollution by vessels that are not safe or by vessels that are too large. This is a very desirable object, but as much as we wish we could accept the regulation, we are obliged to reject it because the Government has put it forward under a section of the legislation which it does not have the authority to use for that purpose.

I must say that I was disappointed by the letter the Minister of Transport (Mr. Mazankowski) wrote to our committee. He refused to tell us why he rejected our advice. I am worried that Minister after Minister will simply draw the line as this Minister did and say that the matter should be settled in court. What the Minister meant by that is, "We should let a boat go into Head Harbour Passage. Let that boat get into some difficulty. Let us try to prosecute under the regulation. Let the owners of the boat go to court to fight for their right to use the passage and their right to disregard the regulation". That is an uncivilized thing to do, which invites disrespect for the law. I would have hoped that a Minister as enlightened as the present Minister of Transport would have paid more attention to this piece of advice which was unanimously given with respect to the regulation being invalid. For him to say: "Let the courts settle it" is almost a challenge which could be regarded as being irresponsible.

• (1410)

Mr. Baker: Mr. Speaker, can the Hon. Member comment with respect to whether or not the recent amendments to the Canada Shipping Act, which I believe were presented in the